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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Timothy P. Meier

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5313

7590

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George S. Blasiak  
WALL MARJAMA & BILINSKI  
Suite 400  
101 South Salina Street  
Syracuse, NY 13202

EXAMINER

LE, BRIAN Q

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/788,179

Applicant(s)

MEIER ET AL.

Examiner

Brian Q. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.  
2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-57 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 48-57 is/are allowed.  
6) ☒ Claim(s) 21-47 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/04/2005 has been entered.

**Response to Amendment and Arguments**

2. The objection to the drawing is withdrawn.
3. The rejection of claims 1-29, 30-34 and 40-47 under 35 U.S.C. 112, first paragraph is withdrawn.
4. Applicant's arguments with regard to claims 21, and 23-46 have been fully considered, but are not considered persuasive because of the following reasons:

For claim 21, the Applicant argues (page 19 and 20) that Norton Reference does not teach the claim limitation "optical reader for reading a first type of identification card having cardholder identity information encoded in bar code symbols" and that the Examiner does not show suggestion/motivation of combining Norton and DePietro references together but **rather uses applicant's achievement (advantages exhibited by an applicants' invention)**. The Examiner respectfully disagrees. First, Norton clearly teaches the claim limitation "optical reader for reading a first type of identification card having cardholder identity information encoded in bar code symbols" (column 10, lines 32-39; FIG. 6B, elements 42 and 70; and column 12, lines 10-20). Norton discloses cardholder identity information encoded in bar code symbols. This is so clear when Norton discloses "In one embodiment, the rear portion of the

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card body that includes the contact module and the magnetic stripe also can include a bar code and other encoding information. Furthermore, one advantage of placing the contact module on the same side as the magnetic stripe, bar code, etc., is that it minimizes user confusion when using the contact smart card.” (column 10, lines 32-39). In addition, Norton discloses (FIG. 6B, elements 42 and 70) that the “smartcard reader” can read various types of card (similar to the Applicant’s specification) including optical smart card. Thus, it is clearly that Norton Reference has the optical reading capability to read optical smart card. Further teachings can be located at column 12, lines 10-20. Therefore, Norton clearly teaches “optical reader for reading a first type of identification card having cardholder identity information encoded in bar code symbols”.

Secondly, DePietro clearly teaches the motivation/suggestion of further providing interaction between users and card identification system by providing housing terminal with the display e.g. providing customer report (column 5, lines 5-7), output messages to user (column 6, lines 6-10). Thus, there is a clearly motivation of why one skilled in the art would combine these two references to better the card identification process. In addition, this proves that the Examiner never uses applicant’s achievement/advantages but the Applicant is misleading and the Applicant’s invention is originated from a very well known idea in the art. This is clearly evidence because one skilled in the art would need to have a display in the card identification process to enter pin, password, transaction requests...etc.

Thus, the rejections of all of the claims are maintained.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 21, and 23-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Norton U.S. Patent No. 6,705,531 and DePietro U.S. patent No. 6,601,045.

Regarding claim 21, Norton teaches a card reader apparatus for reading and validating information encoded on an identification card (FIG. 6B), said apparatus comprising:

A data input unit including an optical reader (smart card reader including the optical reading ability) (FIG. 6B, element 70) (column 12, lines 10-20) for reading a first type of identification card having cardholder identity information encoded in bar code symbols (column 10, lines 25-39), said data input unit further including a credit card reader for reading a second type of identification card having cardholder identity information encoded on a magnetic stripe or a smart card (column 5, lines 57-70);

A processor system for receiving signals from said data input unit (FIG. 6B, element 72), said processor system comprising:

An I/O bus (connection lines between different operating units) (FIG. 6B and FIG. 2, element 28);

A memory (FIG. 6B, element 74); and

A control circuit (controller) (FIG. 6B, element 71) connected to said I/O bus and said memory for decoding said signals received from said data input unit in accordance with predetermined control operation parameters in order to recognize said first or second type of identification cards (column 11, lines 29-45), and for comparing (matching) said identity information with correlated cardholder information (column 11, lines 55-60) stored in an

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external (external/optical medium) (column 12, lines 10-26) non-volatile database (column 6, lines 30-35). Norton does not explicitly teach a local housing terminal with a display. Depietro further teaches a card reading apparatus comprises a terminal and a display (FIG. 1 and FIG. 11, element 26). Modifying Norton's method of card reading apparatus according to Depietro would be able to further providing the interaction between the user and the card identification by providing the housing terminal with the display e.g. providing customer report (column 5, lines 5-7), output messages to user (column 6, lines 6-10). This would improve processing and therefore, it would have been obvious to one of the ordinary skill in the art to modify Norton according to Depietro.

For claim 23, Depietro further teaches the card reader apparatus wherein said local housing terminal is at least partially portable (column 10, lines 38-40).

Regarding claim 24, Depietro teaches the card reader wherein said local housing terminal includes a non-portable stand (FIG. 8 and FIG. 9).

Referring to claim 25, Depietro teaches the card reader wherein said display includes prompt messages for a user (column 6, lines 6-10).

For claim 26, please refer back to claim 25 for the teaching.

For claim 27, Norton teaches the card reader wherein said card type is determined automatically when an identification card is present in a field of view of said optical reader or said credit card reader (the external power supply automatically activates to trigger the card identification system once the card is inserted) (column 8, lines 55-67 and column 9, lines 1-16).

Regarding claim 28, Norton further teaches the card reader which further comprises a lookup table for storing said predetermined control operation parameters based on the card type

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detected by the data input unit (locate and read authorization code) (FIG. 10, element 132, 135 and 138).

Regarding claim 29, Norton also discloses type of signal decoding algorithm (FIG. 8).

For claim 30, please refer back to claims 21 and 25 for the teachings and explanations.

Referring to claim 31, Norton further teaches the system wherein said integrated card reader apparatus further comprises OCR reader and smart card reader (FIG. 6B, element 42).

For claim 32, Norton teaches the system which includes multiple card readers located at different locations having access to said external database (external/optical medium) (FIG. 6B, elements 10, 52, 60, 69 and 70) (column 12, lines 10-26).

For claim 33, Norton teaches the system wherein said multiple card readers have access to said external database via wireless (column 10, lines 15-24 and column 12, lines 9-26).

Regarding claim 34, Norton further teaches the system wherein said cardholder information comprises related name filed data parsed from the encoded data on said one or more types of identification cards for comparison with correlated cardholder information stored in said external database (exchange information process for the verification purpose) (column 7, lines 10-27).

Regarding claims 35-39, please refer back to claims 21-22, and 27-28 respectively for the teachings and explanations.

For claims 40-46, please refer back to claims 21 and 25 for the teachings and explanations.

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7. Claims 22 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over combination of Norton U.S. Patent No. 6,705,531 and DePietro U.S. patent No. 6,601,045 as applied to claim 22 above, and further in view of Terrell U.S. Patent 6,076,731.

Regarding claim 22, Norton does not teach the credit card reader includes a touch screen signature component. Terrell further teaches a credit card reader process (FIG. 1A) includes a touch screen signature capture component (column 2, lines 1-6). Modifying Norton's method of card reading apparatus according to Terrell would be able to enhance the verification process further by allowing the operator to verify the signature visually (column 6, lines 50-60). This would improve processing and therefore, it would have been obvious to one of ordinary skill in the art to modify Norton according to Terrell.

For claim 47, please refer back to claim 22 for the teaching and explanation.

*Allowable Subject Matter*

8. Claims 48-57 are allowed.

*Conclusion*

9. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).



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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

**Contact Information**

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Q Le whose telephone number is 571-272-7424. The examiner can normally be reached on 8:30 A.M - 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on 571-272-7414. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for regular communications and 571-273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

BL  
August 1, 2005



**SAMIR AHMED  
PRIMARY EXAMINER**